

Scott E. Ortiz, W.S.B. # 6-4254
 WILLIAMS, PORTER, DAY & NEVILLE, P.C.
 159 No. Wolcott, Suite 400
 P.O. Box 10700
 Casper, Wyoming 82602
 Telephone: (307) 265-0700
 Facsimile: (307) 266-2306
 Email: sortiz@wpdn.net

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING**

CUSTODIA BANK, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Number: 22-cv-00125-SWS
)	
FEDERAL RESERVE BOARD OF)	
GOVERNORS and FEDERAL RESERVE)	
BANK OF KANSAS CITY,)	
)	
Defendants.)	

**PLAINTIFF CUSTODIA BANK, INC.’S
 REQUEST FOR HEARING**

Pursuant to Local Rule 7.1(a), Plaintiff Custodia Bank, Inc. (“Custodia”), by and through its counsel, hereby requests a hearing and oral arguments on *Defendant Board of Governors of the Federal Reserve System’s Motion to Dismiss*, ECF No. 48, and the *Defendant Federal Reserve Bank of Kansas City’s Motion to Dismiss*, ECF No. 50, as follows:

1. Custodia filed its *Complaint*, ECF No. 1, on June 7, 2022, in which it brought claims against the Federal Reserve Board of Governors (“Board”) and the Federal Reserve Bank of Kansas City (“FRBKC”).
2. On August 16, 2022, the Board filed *Defendant Board of Governors of the Federal Reserve System’s Motion to Dismiss*, ECF No. 48, (“Board MTD”) and *Defendant Board of*

Governors of the Federal Reserve System’s Memorandum of Points and Authorities in Support of Its Motion to Dismiss, ECF No. 49 (“*Board Memo in Support*”).

3. Also on August 16, 2022, the FRBKC filed *Defendant Federal Reserve Bank of Kansas City’s Motion to Dismiss*, ECF No. 50 (“*FRBKC MTD*”) and *Defendant Federal Reserve Bank of Kansas City’s Memorandum of Points of Authorities in Support of Its Motion to Dismiss*, ECF No. 51 (“*FRBKC Memo in Support*”).

4. Contemporaneously with the filing of this *Request*, Custodia is filing its omnibus response to the *Board MTD* and *FRBKC MTD*.

5. The issues raised by Defendants in their motions to dismiss are complex and include numerous claims and arguments regarding statutory interpretation, standing, ripeness, the Due Process Clause, the Separation of Power and Appointments Clause, as well as complex administrative law issues arising under the Administrative Procedure Act. (*See e.g., FRBKC’s Unopposed Motion*, ECF No. 34, ¶ 4); (*see also Custodia’s Unopposed Motion*, ECF No. 55, ¶ 7).

6. Pursuant to Local Civil Rule 7.1(a) of the United States District Court for the District of Wyoming, the Court has discretion to set a hearing and hear oral arguments on motions filed with the Court.

7. Given the issues raised by the Parties, Custodia believes a hearing and oral arguments on the *Board MTD* and *FRBKC MTD* are necessary and will assist the Court in understanding and ruling on the motions.

8. Custodia believes one (1) hour is necessary for this hearing and oral arguments with Plaintiff being allocated 30 minutes and Defendants jointly being allocated 30 minutes for their oral arguments.

9. Counsel for Custodia has met and conferred with Defendants' counsel regarding this request for a hearing and oral arguments, and Defendants' counsel consent to the requested relief.

WHEREFORE, Plaintiff Custodia Bank, Inc., by and through its counsel, hereby requests the Court set a hearing and hear oral arguments on *Defendant Board of Governors of the Federal Reserve System's Motion to Dismiss*, ECF No. 48, and the *Defendant Federal Reserve Bank of Kansas City's Motion to Dismiss*, ECF No. 50, and request the Court set the hearing for one (1) hour with Plaintiff being allocated 30 minutes and Defendants jointly being allocated 30 minutes for their oral arguments.

(Remainder of Page Left Blank Intentionally)

DATED this 13th day of September, 2022.

CUSTODIA BANK, INC., Plaintiff

By: /s/ Scott E. Ortiz
Scott E. Ortiz, W.S.B. # 6-4254
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 No. Wolcott, Suite 400
P.O. Box 10700
Casper, Wyoming 82602
Telephone: (307) 265-0700
Facsimile: (307) 266-2306
Email: sortiz@wpdn.net

-and-

John K. Villa, *pro hac vice*
Ryan Scarborough, *pro hac vice*
Whitney D. Hermandorfer, *pro hac vice*
Jamie Wolfe, *pro hac vice*
WILLIAMS & CONNOLLY, LLP
680 Maine Avenue SW
Washington, DC 20024
Telephone: (202) 434-500
Emails: jvilla@wc.com
rscarborough@wc.com
whermadorfer@wc.com
jwolfe@wc.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this 13th day of September, 2022, addressed to:

Mark Van Der Weide
Richard M. Ashton
Joshua P. Chadwick
Yvonne F. Mizusawa
Yonatan Gelblum
Katherine Pomeroy
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
20th Street and Constitutional Avenue, N.W.
Washington, DC 20551

- ☐ U.S. Mail (Postage Prepaid)
- ☐ Email
- ☐ Overnight Delivery
- ☐ Hand Delivery
- ☒ CM/ECF System

Billie L.M. Addleman
John P. Fritz
HIRST APPLGATE, LLP
P.O. Box 1083
Cheyenne, Wyoming 82003

- ☐ U.S. Mail (Postage Prepaid)
- ☐ Email
- ☐ Overnight Delivery
- ☐ Hand Delivery
- ☒ CM/ECF System

Andrew Michaelson
Laura Harris
KING & SPALDING, LLC
1185 Avenue of the Americas, 34th Floor
New York, New York 10036

- ☐ U.S. Mail (Postage Prepaid)
- ☐ Email
- ☐ Overnight Delivery
- ☐ Hand Delivery
- ☒ CM/ECF System

Jeffrey S. Bucholtz
Joshua N. Mitchell
Christine M. Carletta
KING & SPALDING, LLP
1700 Pennsylvania Ave., N.W.
Washington, D.C. 20006

- ☐ U.S. Mail (Postage Prepaid)
- ☐ Email
- ☐ Overnight Delivery
- ☐ Hand Delivery
- ☒ CM/ECF System

/s/ Scott E. Ortiz
Scott E. Ortiz